

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
gibsondunn.com

Brian Rosenthal
Direct: +1 212.351.2339
Fax: +1 212.817.9539
BRosenthal@gibsondunn.com

June 27, 2024

Hon. Rachel P. Kovner
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Varia Holdings LLC v. Apple Inc.*, No. 23-cv-7477-RPK-RML (E.D.N.Y.)
Joint Letter Motion for Extension of Time to File Claim Construction Briefing**

Dear Judge Kovner:

Plaintiff Varia Holdings LLC (“Varia”) and Defendant Apple Inc. (“Apple”) respectfully request a 19-day extension of the deadlines to file the parties’ responsive and reply claim construction briefs.

Varia served its Opening Claim Construction Brief on June 11, 2024. The deadline for Apple’s responsive brief is currently July 11, 2024, and the deadline for Varia’s reply is currently July 25, 2024. The parties respectfully ask the Court to extend both deadlines by 19 days, moving the deadline for Apple’s response to July 30, 2024 and the deadline for Varia’s reply to August 13, 2024.

The requested extension will allow Apple to depose Varia’s claim construction expert, Dr. Jacob Sharony, who submitted a declaration in support of Varia’s opening brief. Apple needs to depose Dr. Sharony to fully address his positions in Apple’s responsive brief. The earliest deposition date on which both parties and Dr. Sharony were available is July 16, 2024, five days *after* the current deadline for Apple’s responsive brief. The requested extension will allow Apple two weeks to evaluate and address Dr. Sharony’s testimony in its responsive brief and will allow Varia two weeks to file its reply.

This is the parties’ first request for an extension to the claim construction briefing schedule. No currently scheduled dates depend on the completion of the claim construction briefing, so the requested extension will not otherwise require modifying the case schedule. The Court has not set a date for a claim construction hearing.

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Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

SCHULTE ROTH & ZABEL LLP

/s/ Brian Rosenthal
Brian Rosenthal

/s/ Timoty K. Gilman
Timoty K. Gilman